

Relevance and legal background of tourist guiding in Hungary

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Abstract: The profession of tourist guide has recently been subject to a significant loss of prestige in Hungary. There have been many career leavers who have been prevented from working due to an unregulated legal framework or a lack of government support during and in the post-COVID-19 period. The first problem - an ineffective and poorly regulated regulatory environment - has led to a significant increase in unauthorised tourism-related activities, undermining the reputation of the profession. As a result of the unregulated legal environment, the country - and Budapest in particular - is losing significant revenue and the situation is damaging the city's image. Today, personal knowledge and experience are likely to be rendered worthless by the development of new technologies, tools and fast-paced lifestyles. Many people do not even know who exactly a tourist guide is, what their duties are and what regulations apply to their activities, despite the fact that tourist guides spend a lot of quality time with tourists visiting our country, providing them with information and acquainting them with our traditions. The transfer of value, which is the essence of their activity, is an important factor in shaping the image of the country and the perception of Hungary by visitors. Most people may not be aware of the remarkable difference between a qualified and licensed guide and an unqualified and unlicensed guide. The former presents a place authentically. This study aims to present the legal and professional background of this activity and the importance of this work in the light of current regulations, highlighting the important role of guides in the transmission of values today. It also focuses on the main changes and reactions brought about by the COVID-19 pandemic, as well as the uncertainties and concerns created by the legislative background. In order to illustrate the unique situation in Hungary, regulatory procedures and tourist management practices are also covered.

Keywords: tourist guide; legislation; tourism law; regulatory shifts; image

1. Introduction

One of the oldest activities in the world is tourist guiding (Cetin and Yarkan, 2017). The role of the contemporary tourist guide can be traced back to its direct historical roots in the Great Tour of the 17th and 18th centuries (Brodsky and Porges, 1981; Hilbert, 1969).

The job of a tourist guide often requires a licence, which is not surprising as it also requires personal skills (good grooming, good appearance, excellent communication skills, good problem-solving skills, etc.) and a very broad, in-depth knowledge of several subjects. It is also important to be familiar with art, architecture, politics, social relations, gastronomy, culture, religion and geography. All this, of course, in an up-to-date, factual and entertaining way.

They are also cultural facilitators/mediators and interpreters of the work of the tourist site, contributing to the tourist experience (Ferreira and Willares, 2023).

The work of the tourist guide is nothing less than the transmission of value. It is not just a matter of giving facts, but of passing on curiosities, legends and stories, so

that the guest who is interested in getting to know the country, region or city is not only satisfied, but also learns about the characteristics, relationships and, above all, the values of our country, and then spreads the word. According to Al-Ta'ee 2001 (Kashawneh et al., 2018), the tourist guide bears the responsibility of providing tourists with comprehensive information about the attractions they visit. This requires a deep understanding of the historical, archaeological and cultural dimensions of these sites. In addition, a guide must have a broad knowledge of different cultures, customs and traditions in order to cater for the diverse preferences of tourists who want to explore and experience the destinations they visit.

It should also be remembered that in a dynamically changing tourism market, they must also keep pace with technological developments.

According to De La Harpe and Sevenhuysen (2020), there is no escape from the flood of technology in the tourism industry, with the increasing number of tourism apps and technologies (De La Harpe and Sevenhuysen, 2020). These days, tourist guides not only have to compete with each other and with unlicensed guides, but also with the smart sightseeing apps.

Tourist guiding is an intermediary system in the supply of tourism services (Hu, 2007). Being a tourist guide was a prestigious job at the time of the regime change in Hungary, but the profession has lost most of its value. Its image is often more negative than positive. This is due not only to social and economic changes, but also to the dilution of the profession, the easy availability of training as a tourist guide and, of course, the large number of unqualified 'colleagues' working as tourist guides. However, the outbreak of the COVID-19 pandemic, known as the curse of tourism, which is forcing professionals to leave the market, may help to clean up the market.

In view of the above situation, the profession needs to be completely repositioned, which will probably only be possible with the adoption of new legislation on tourist guides in Hungary.

The significance of tourist guides is underscored by the stringent regulations and directives established by tourism organisations worldwide to regulate the profession. Practising as a tourist guide is strictly prohibited without obtaining a license from the Ministry of Tourism (or from the competent Authority in Hungary). Furthermore, the World Association of Tour Guides mandates that guides must demonstrate proficiency in the language spoken by the tour group they lead, enabling them to effectively convey cultural and natural heritage to tourists (Khasawneh and Al. Makadmah, 2018).

2. Materials and methods

The novelty of this research is that it examines the situation of Hungarian tourist guides on the basis of specific regulations and practices of the European Union and its national member states.

The study focuses primarily on the legal background of tourist guiding, with an overview of the European legal framework and cases compared with the current legislation and practice in Hungary. The article presents the legal background with an analysis of the laws and directives that regulate the work of tourist guides in Hungary.

The main question (Q1) of the research is whether there is a need to strengthen Hungarian legislation at all, taking into account the practice of the countries under study in addition to the EU framework.

The study has two hypotheses:

H1: The interest groups are not satisfied with the current legislation.

H2: Professional organisations consider the more effective control and dissuasive punishment of illegal guides as the central element of the legislative change.

This study was conducted using a four-step research methodology, as shown in **Table 1** below.

Table 1. Research methodology.

Research methodology		
Step 1.	Literature overview of tourist guiding practice	
Step 2.	Analyses of the legislative frame work in the EU	Analyses of the legislative framework in Hungary
Step 3.	Case studies of legislation in the Czech Republic and Portugal	Comparative analyses of countries with legislation on field of tourist guiding
Step 4.	Interview of presidents of the bar associations of tourist guiding in Hungary	
Conclusion		

Source: own edition.

In order to answer the question and test the hypothesis, the *first part of the study* presents the theoretical framework of tourist guiding, focusing on definitions and the main skills and expectations of tourist guides.

The *second part* is based on a legal analysis of the profession and highlights, to a limited extent, some of the problems of the operation of this activity and the possibility of working across borders in the EU. The document also highlights a shortcoming in the legal framework, which leads to a lack of control over the activities of tourist guides and to an increase in the number of free tours.

The legislative analysis will consist of a content analysis of the laws, regulations and recommendations. In this part, the European framework will be critically analysed. This data consists of primary sources (regulations, legislation, amendments, recommendations).

The *third part* focuses on European cases of tourist guide practice in order to better understand the peculiarities of the Hungarian system. In order to illustrate the special situation in Hungary, the work of tourist guide associations and the practice of tourist guides in other European countries are presented.

In addition to the European legal framework, the cases of Portugal, the Czech Republic and Italy will be presented and the efforts of France, Spain, Malta and Slovakia in terms of legislation and training of tourist guides will be compared.

Data and information from the Association of Hungarian Tourist Guides (MISZ) and the Association of Hungarian Tourist Guides (MIE), as well as data from the Federation of European Tourist Guides (FEG) were also analysed in this section.

The *fourth part* of the discussion contains the results of the semi-structured in-depth interviews with the presidents of the MISZ and the MIE.

The interviews were carried out between the 24th and 28th of June 2024.

The methodological limitation of the survey is that the two advocacy organisations represent only about 1/5 of the colleagues active in the profession (about 500–600) and are based in the capital city. However, information from advocacy organisations can be considered relevant as their activities are carried out at national level.

The in-depth interviews were a necessary part of the research to explore the differences between national and international positions and professional perceptions of the domestic situation. The main aim of the in-depth interviews with experts was to find out about the characteristics of the current legislation, the practical situation and attitudes towards the need for change. This helped to synthesise the responses in order to test the research hypotheses and the research question in the light of the European context.

A projective technique was used to conduct the interviews and developed a semi-structured interview schedule. The reason for this is that while structured interviews, due to their high degree of standardisation, make it easier to compare data and thus quantify results, they also allow for little new insight and make it more difficult to understand new perspectives and opinions. The essence of this method is that it combines the freedom of a structured, specifically formulated question with the freedom of an unstructured interview, where the interviewer adapts the interview to the style of the subject.

The projective technique ‘encourages the respondent to express their motivations, views, attitudes or feelings about a particular topic.’ (Kundi, 2012; Malhotra, 2002, p. 215).

Some of the professional findings have been collected and organised from field experience between 2022–2024, as the author has worked as a tourist guide in Hungary for 21 years and is the founder and official vice-president of MIE.

3. Results and discussion

In order to understand the characteristics of the job, it is important to first clarify who a tourist guide is, what kind of job they do and what skills they need. Tourist guides are front-line service providers who influence the perceptions of tourists (Sheehan et al., 2007).

Cohen (1985) delineates the roles of the guide’s two spheres: leadership and mediation. The leadership sphere involves leading the group and facilitating access to specific sites, combined with a social responsibility to promote cohesion within the group. In contrast, the mediator sphere involves acting as a cultural mediator, bridging the gap between the tourist group and the local community (Alrawadieh et al., 2020; Cohen, 1985).

3.1. Definitions and skills required for tourist guides

The known definitions give a relatively wide scope for interpretation of the activity of tourist guide, with the result that many people try to do this job in many different ways, disguised under another heading and, unfortunately, more often than not without a licence or certificate.

3.1.1. Definitions

The Oxford English Dictionary (1933, p. 490) defines ‘guide’ as one who leads or shows the way, especially to a traveller in a foreign country, especially one who is hired by a traveller or tourist to lead the way (e.g. over a mountain, through a forest, or over a town or building) and point out objects of interest.

Collins (2000, p. 22) describes a tour guide as ‘a person who guides visitors (in the language of their choice) and interprets the cultural and natural heritage of an area, and who has an area-specific qualification’.

There is no legal definition of a tourist guide as a person exercising an activity in Hungary, but the Central Statistical Office gives the following description in its Standard Classification of Occupations (FEOR-08) ‘Accompanies individuals and groups, presents attractions and provides background information on tourist attractions and their cultural, historical and artistic values. This means that a tourist guide in Hungary is a person who shows Hungarian or foreign tourists the sights of Hungary or accompanies Hungarian guests on a trip abroad (less frequently on private request).

The term tourist guide has been preferred for use in this article in accordance with the terminology adopted by the WFTGA (2012), which defines tourist guides as: ‘A tourist guide is a person who guides visitors in a language of their choice, while presenting the cultural and natural heritage of a destination. They hold a local, area-specific licence issued by the competent authority. The same definition is used by the European Federation of Tourist Guides (FEG). The definition adopted by the WFTGA is taken from the EU document (EN 15565/2008) which sets out the basis for the training of tourist guides. It consists of the required training and professional qualification programmes.

The WFTGA and FEG definitions mention the existence of a licence associated with the activity. Black and Weiler (2013) stated that tourist guides have to face many challenges of the 21st century tourist. They believe that educated and trained tourist guides can provide better services than an unlicensed guide.

3.1.2. Required skills of tourist guides

Tourist guides can be divided into three groups, with many overlaps but also many differences:

- ‘domestic’ tourist guide (active tourist guide): shows the values of Hungary to interested Hungarians or foreigners visiting the country for a longer or shorter stay;
- ‘foreign’ guide (passive guide)? A tourist guide is a licensed guide who accompanies Hungarian or foreign groups abroad, showing them the main values of the country they are visiting;
- ‘a local representative’ of one or more travel agencies in the destination. Their role is varied, as in addition to welcoming guests, providing information, solving problems, selling excursions and other tourist services, they are often one of the main organisers of excursions;

Tourist guides serve as ambassadors for the country, often being the first point of contact for tourists upon arrival and often the last farewell when visitors leave the country (Naumov, 2020).

According to Tatar et al. (2018), a tourist guide is preoccupied with preserving the resources of the tourist destination and promoting positive encounters between the host community and tourists (Hu and Wall, 2012).

The service of a tourist guide belongs to the first level, that is, the core of the product or the level of the real product (Kruczek, 2013). In the contemporary context of tourism, the main role of tourist guides is to show the way to tourists who want to know more about the place they want to visit (Brahim, 2022). Tourist guides are equipped with communication skills and knowledge, so they have the ability to interpret attractions and culture (Frawati et al., 2020). Performance has a positive impact on enriching the experience and achieving a high level of satisfaction (Alhasanat, 2023; Bahang, et al. 2018; Cetinkava et al., 2016; Chan, et al., 2015).

The FEG describes the work of a tourist guide as a specific, practical profession. They emphasise that the historical development of the profession has contributed to the development of a practical job that is fundamental to the tourist experience. The WFTGA sets out the following expectations of tourist guides.

- to provide visitors with a high quality service from dedicated and caring professionals who present the destination in a factual, unbiased and unpromotional manner;
- make sure that what is being said is factual and accurate, whether it is a story, a legend, a tradition or an opinion;
- treat fairly and responsibly all those who use the services of guides and other colleagues in the industry;
- it is the duty of the guide to protect the reputation of tourism in his or her country and to make every effort to ensure that guided groups also respect and conserve the environment, wildlife, landmarks, monuments and respect local customs and social sensitivities;
- the guide is an ambassador for his or her country and must do his or her utmost to present it authentically and promote it as a tourist destination to visitors;

It is precisely for this reason that the European Parliament, in its resolution adopted on 29 October 2015 (2014/2241(INI), point 62.), sets out the main guidelines for the profession of tourist guide in order to promote European tourism and develop quality tourism in Europe.

“Calls on the Member States to invest in high-quality training for tourist guides and to promote multilingualism in order to better promote destinations of interest to foreign tourists; calls on the Commission and the Member States to establish European quality standards for tourist guides, including minimum training requirements.”

Tourist guides are the frontline staff who provide the ‘moment of truth’ for tourists and can make or break the trip (Hoang, 2015; Hurombo, 2016; Salazar, 2006; Zeng and Chow, 2004).

It is the responsibility of the tourist guide to establish a connection between the tourists and the places they are visiting (Salazar, 2005). Weiler and Ham (2001) stated that it is necessary for tourist guides to have a qualification, as they are the first contact with tourists and therefore primarily responsible for shaping the impression and experience. The qualification should include not only professional knowledge and organisational skills, but also communicative skills and an appropriate psychological profile (Novotný, 2021; Welter and Ham, 2001).

According to the research of Tătar et al. (2018), tourist guides and local people (hosts) shape tourist behaviour and communication skills have a significant impact on tourist satisfaction and influence tourist loyalty (Park et al., 2023). Cross-cultural communication creates complexity because of different cultural differences (Barker, 2016).

The specific nature of the work of a tourist guide is difficult to summarise, precisely because of the complexity of the job. From a personal point of view, a well-groomed, cultivated appearance, excellent communication skills and knowledge of languages do not distinguish a tourist guide from workers with the other skills expected on the labour market. In practice, however, these are not enough to ensure professional success and, more importantly, the tourist’s experience.

In a previous research, tourist guides were asked what the most important qualities they should have in order to be successful, and the following keywords emerged (**Table 2**) (Kundi, 2020):

Table 2. The skills and competencies of a tourist guide.

N = 208 (members of the Hungarian tourist guides association and the federation of Hungarian tourist guides, 2020)

tolerance		local knowledge	history	visual arts
art history	language skills	improvisation	geography	empathy
patience	architecture	tradition	openness	problem solving
spontaneity	gastronomy	catering	multitasking	ability
sacred and	pedagogy	knowledge	cultural history	communication
religious	flexibility	people skills	etiquette and	sense of humor
knowledge	networking skills	presentation skills	protocol	reliability and
self-awareness				discretion

Source: Hungarian Tourist Guides 2020 - Based on the short video: When there is no one to guide and own collection 2020.

The skills that tourist guides need are both hard and soft skills. Hard skills are the technical knowledge and skills that a person needs to do a job. Soft skills are interpersonal characteristics, also known as personal attributes, attitudes, habits, etc. that can make someone a good employee and compatible to work with (Kapa et al., 2022; Vasanthakumari, 2019). Maintaining a positive professional attitude is paramount for tour guides to effectively lead tour groups, as highlighted by Curtin (2010) and Green and Jones (2010).

3.1.3. Licensed guides versus ‘free guides’–advantages and disadvantages

Licensed tourist guides argue that it is important to take joint action to require regulation and authorisation, as only this can ensure quality and standards for tourists (Shani, 2017) and also guarantee the image and reputation of the destination (Novotn, 2021; Zhang and Chow, 2004). On the other hand, licensed tour guides suffer from many weaknesses such as less creativity, they are often less creative (Shani, 2017) and they also cannot easily adopt innovative solutions (**Table 3**).

Table 3. Advantages and disadvantages of free tours and of licensed tourist guides.

Type of tour	Advantages	Disadvantages
Free tour	<ul style="list-style-type: none"> – faster adaptation of new solution and technologies, – better entertainment – stronger creativity – more flexibility – strong will to know more 	<ul style="list-style-type: none"> – general knowledge – questionable quality and knowledge – not authentic informations – tax avoidance
Licensed tourist guide	<ul style="list-style-type: none"> – educated – knows the local environment and society well – Licence can be a guarantee for quality – detailed and wide knowledge – a good reputation of the tourist destination – pay tax 	<ul style="list-style-type: none"> – inflexibility – higher rate – over-confidence – too many „tried and tested themes” – use of shemes – less willingness to expand knowledge

Source: own edition, 2024.

According to Weiler and Black (2015), most tourist guides and their advocacy groups do not set minimum standards, which can cause many problems for them later. Today, tourists are looking for entertainment rather than detailed information and quality guidance, so they do not want to spend too much on expensive guides (Shani, 2017), rather than participating in exciting, well-constructed and interactive free tours.

The possibility of tips and free entry and exit is encouraging more and more tourists to join free tours. If they are disappointed, they can always hire a professional guide.

Registered guides feel mistreated and disrespected because they are trained to do their job, and free or unlicensed guides do not need training or exams, which they consider costly and unnecessary (Brito, 2020). Too much freedom and the lack of state intervention lead to a lack of guaranteed quality and safety for consumers, while workers feel denied their rights (Brito, 2020).

3.2. European framework for tourist guides - legal aspects and some cases

In the European Union there is no single legal framework for the practice of tourist guiding. The EN 15565 (European standard: CEN13809) of 2008 specifies the minimum requirements for training and qualification programmes for professional tourist guides. It emphasises the importance of local guides in the provision of quality tourist services and supports the efforts of the European Union to facilitate the free movement of services within its Member States. The majority of EU countries - 15 Member States - believe that the activity of tourist guide should be linked to training and the subsequent issuing of a licence.

3.2.1. European cases in the legislation and practice of tourist guides

Each European country has a different approach to regulating the practice of tourist guides in the tourism industry (Novotn, 2021). There are two legal types of the profession. In some countries it is an unregulated profession (e.g. Denmark, Germany, France) where no qualification or licence is required. In other countries (e.g. Hungary,

Croatia, Portugal, Slovakia, Italy, Austria, etc.) it is a regulated profession requiring a professional qualification.

The basis of this dichotomy can be explained by the 4 fundamental principles of freedom in the European Union. The free movement of people, capital, labour and services are the Union's top priorities. Unfortunately, these priorities divide the Member States in the field of tourist guide practice.

In Portugal, the Czech Republic and Hungary, tourist guides and their associations are fighting for quality training and strong legislation for the profession.

The Czech Republic was a country with no legal regulations for tourist guides. The capital, Prague, suffered most from illegal tourist guides. According to a study by Novotny (2021), this caused economic losses and had a negative impact on the city's reputation. Thanks to the strong lobbying of the Association of Tourist Guides, a new regulation was introduced. Guides in the Czech Republic felt that training for tourist guides should be compulsory, arguing that lifelong learning and development of knowledge is essential, as is the ability to adapt to new situations. Thanks to the effective lobbying of the tourist guide associations, a new regulation has been in force since 1 January 2021, ensuring official control of tourist guides and sanctions against unlicensed guides. It also requires all guides to carry a visible identity card.

In Portugal, thanks to neoliberalism, a decree was published on 27 July 2011 (Decreto-Lei, 2011). Since the decree came into force, there has been a coexistence of licensed and unlicensed tourist guides.

The Commission in France said that consumers are in a better situation with the liberal market, they can be better served in the case of deregulation and cross-border competition (Fodranová, 2019). This is exactly the opposite of the Austrian position, which believes that 'Tourist guides are representatives of countries, regions and cities, and it largely depends on them whether visitors to our country feel welcome, want to stay longer or decide to visit Austria again.' (Fachverband freizeit- und Sport-betriebe, 2014, p. 2). For this reason, Austria is committed to high-quality training and licensing of tourist guides.

Italy, which is particularly rich in historical and architectural heritage, has introduced strict rules for foreign guides in order to protect its labour market. Italian law stipulates that a tourist guide's licence is valid only in the region in which it is issued. Italy has infringed the Services Directive 2006/123/EC with this regulation and the Commission has therefore opened a pre-infringement procedure (EU PILOT No 4277/12/MARK). Following this procedure, the Italian Parliament adopted European Law No. 97 of 6 August 2013. In this legislation, Article 3 extended the validity of the accreditation for the exercise of the tourist guide profession to the whole of the Italian national territory and established that the professional qualifications obtained by EU citizens of another Member State would be recognised throughout the national territory (European Parliament, 2014).

There are countries that, in addition to EU decentralisation, are trying to give preference to guides who have completed the training required by the EU. The training requirements are set out in EN 15565/2008.

An example is the UK, where a blue or green badge is used, and Scotland, where a blue, green and yellow badge is used to indicate successful completion of training. This kind of liberal regulation allows free competition in the tourism market, while at

the same time the certificate can be a quality guarantee for tourists. The blue and green badges are also accredited by the WFTGA and the FEG (FEG, 2024a; FEG, 2024b), which guarantees that the course offered meets EU standards.

Based on the information provided by the Hungarian Association of Tourist Guides (MISZ) and the information available online from the tourist guide organisations of the countries concerned, the following requirements apply to the activities of tourist guides in the other European countries (see **Table 4**):

Table 4. European countries attitude on tourist guide’s education.

Questions/Countries	France	Malta	Slovakia	Spain	Hungary
What education/professional qualifications are required to be a tourist guide?	University degree. The studies comply with the European standards NF EN 15565 Tourism services. The European Standard sets out the requirements for the training and qualification.	Tourist Guiding according to EN	CERTIFICATE according EN 15565	Spain is a country with 17 regions and each region has its own regulations. In some regions a tourist guide licence is not needed. But in most of them, it is required a training of 2 years (high school) of Tourist Guiding	Candidates must attend tourism and guiding-related educational courses. Attendance can be half-day (part-time) or whole day segments (full-time)
How long does it take to obtain this professional qualification?	Two years for people working (evening courses) or one year full time; the studies require a 4 months internship	A full-time (2 year) and part-time (3 year) route to achieve the level of qualification	Minimal training of 300 hrs	2 Years; some regions nothing	These courses are between 8 months or 2 years.
Is there a training system for tourist guides?	Yes	Yes	Yes	Once you became a guide, not anymore	Yes, organized by MISZ and MIE
Is there a (compulsory) obligation for guides to undergo regular training?	No	Yes	No	No	No
Is the issuing of a tourist guide licence free or is there a fee?	Free of charge	Fee is charged	Fee is charged	Fee is charged	Fee is charged
How long (how many years) is the document (licence) valid?	Permanent	Renewal of licence is in every 2 years necessary.	Permanent	In most of the regions where the profession is regulated, the qualification must be renewed every five years. The renewal is a routine procedure; no further exams are needed.	Permanent
What are the conditions for renewal/extension?	Not needed	The renewal of the licence is subject to attending continuing professional development courses (CPD), currently a 1-day session every 2 years.	Not needed	specialised seminars, continuing professional development courses (CPD)	Not needed

Source: according to internal data of MISZ, 2024 and FEG, 2024 own edition.

In Hungary the activity of tourist guides is regulated by a number of outdated regulations and laws. Regulation 41/1995 was the first regulation on tourist guides after the change of regime and expired on 2 January 2010. However, it is necessary to refer to this regulation because it was the first law to establish the basic rules for tourist guides. It established that “tourist guiding is a service provided on a commission basis, as defined by specific legislation, in which the tourist is given a live description of the tourist attractions (natural, historical, monumental, cultural and other) of the country, a particular region or municipality”. This regulation was later reiterated in the Ministry of Tourism’s Decree No. 33/2009 (18 December 2009).

According to Article 2 of Law CLXIV of 2005 on Commerce: “Tourist guide activity: the activity of providing visitors on the spot with detailed information about tourist attractions and other places of interest in the context of a commercial economic activity and, in this context, the provision of general information and, where appropriate, assistance in guiding visitors to places unknown to them”.

In addition to Law CLXIV of 2005 on Commerce, the basic conditions for the activity of tourist guides are laid down in Decree 33/2009 (XII. 18) of the Ministry of Economy and Labour on the activity of tourist guides, which is therefore a recast of the first legislation. Consequently, only a person qualified as a tourist guide can work as a tourist guide. They can only work in languages in which they have at least a C - intermediate level language certificate. These languages must be registered with the body responsible for issuing tourist guide cards and for the registration of tourist guides - as defined in Act LXXVI of 2009 on General Rules for the Establishment and Performance of Service Activities (Services Act). The licence entitles the holder to work in the national territory, in the declared languages, and also to work as a foreign tour guide.

According to the current legislation, the activity can be carried out by service providers who are resident or established in Hungary, but their activity is subject to notification. The Budapest Government Office is entitled to issue the licence in accordance with Government Decree 365/2016 (XI. 29.). It also has the power to deal with certain industrial and commercial matters. (This power was previously vested in the MKEH). The MKEH registers the applicant if the professional requirements are met and issues a photo identification card that is valid until revoked. It is also responsible for keeping records of licence holders, which are published on its website.

On the basis of the above, and in accordance with Article 6/B of Law CLXIV of 2005 on Commerce, the activity of tourist guide may be carried out by persons holding a professional qualification of tourist guide. They may only work in the languages for which they have the required language certificate or equivalent knowledge.

It is important that, in recognition of the four economic freedoms and their transposition into domestic law, the Services Act provides for the possibility of providing cross-border services in accordance with Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market.

The freedom to provide services is invoked to allow the provision of tourist guiding services, subject to registration in a Member State, in areas where a tourist guide licence would not otherwise be required. However, in many cases EU workers fail to register, and many tourist guides from third countries arrive without a licence.

On the basis of the above, foreign colleagues working in Hungary can be divided into two groups:

- from EEA countries: those who only need to register in Hungary in order to carry out an activity;
- non-EEA nationals: who must fulfil the obligations laid down in the legislation in force (obtaining a professional qualification as a foreign driver, at least a C-level intermediate language certificate or equivalent. Knowledge of Hungarian is also required, as this is the language in which the training and examination are conducted).

In terms of the diversity of the legal environment, some countries have a general lack of regulation, others have a patchy training system and others have a lack of control. However, the above legal environment does not give Hungarian guides the right to control, forcing them to compete in their own country with unlicensed guides working there illegally. This lack of control not only causes serious economic damage, but also raises many quality concerns.

3.2.2. The current situation and new legislative perspectives for tourist guides in Hungary

The registration of established service providers authorised to carry out tourist guide activities is required by Section 6/G (d) of Act CLXIV of 2005 on Trade and Commerce and Section 2 (3) and (4) of Decree 33/2009 (XII. 18.) of the Ministry of Economy and Labour of the Republic of Hungary on tourist guide activities. In Hungary there are currently around 15,000 tourist guides (according to the Hungarian Trade and Licensing Office), of which it is estimated that only 3500–5000 are actively engaged in this activity (Kundi, 2020, 2021). Unfortunately, the Hungarian Central Statistical Office (KSH) does not keep records of the number of permits issued each year, so it is not possible to compare the number of permits with the number of tourists arriving in Hungary.

According to internal data and opinions of advocacy associations (MIE, MISZ), about 75% of the approx. 3500 active tourist guides work in Budapest and its surroundings. This is supported by the fact that the capital and its environs are the most visited areas of the country and therefore the most in need of guides. Based on the experience of the two organisations and on the ground, there is also a clear income gap between the capital and the countryside, with the daily wage in the capital being almost 150–170% of the rural wage.

In Hungary, both professional organisations are making great efforts to strengthen the legislation on tourist guides. Since 2017, MIE and MISZ have been working together to strengthen the legislation. Numerous statements, submissions, consultations, professional forums and government requests preceded the recent re-submission of a draft amendment to the legislation.

The Hungarian Tourist Office (MTÜ) pointed out at the professional meeting pm 11th April 2023 on the renewal of the tourist guide activity that the lack of measurability is a problem in terms of accurately assessing the acute situation, as there is no up-to-date database on the number of guides and their activities. Another problem, according to the organisation, is that the information provided by foreign and unlicensed guides is too subjective, and its content and quality are unknown.

In addition to the above, the current training system is also problematic, as is basic training. At present, technical education lasts 3 + 2 years, while adult education lasts 8–10 months. The training is not in line with current trends, the curriculum is very outdated and the teaching of foreign languages is also problematic. The digitalisation backlog is too large and the number of practical lessons too small. In most cases, the subjects taught do not prepare students for the specificities of the profession (cooking instead of practical training as a tourist guide). The MTÜ has set itself the goal of renewing the profession and submitting a new draft law to the government.

The CEO of the Hungarian National Tourist Office (the state body responsible for tourism in Hungary) has met several times with the presidents and representatives of professional organisations - who have prepared the draft of the potential new legislation, which currently consists of 8 main parts, as a result of the consultations. The draft aims to define tourist guides as a profession in their own right, replacing the previous category of “other reservations”.

It proposes a definition and a typology of tourist guides. In the latter case, it defines the following types of tourist guides instead of the 10 obsolete categories previously used:

- Local guide;
- Tour leader, tour manager
- Tour Operator Representative
- Other activities involving nature interpretation for tourists (e.g. exhibition guides)

It emphasises that the tourist guide must, in all circumstances, comply with the recommendations of the professional code of ethics. The work is carried out as a declared employment relationship, under a cooperation contract, an agency contract or a framework contract.

The organisations proposed in the bill that only persons holding a tourist guide card issued in Hungary should be allowed to provide tourist guide services at protected sites in Hungary.

It stipulates that the minimum requirements for obtaining a tourist guide’s licence are a school-leaving certificate, a language certificate and a successful tourist guide’s examination.

For guides from the EEA countries without a Hungarian tourist guide licence, the EU legal norm must be used together with the mandatory use of Hungarian tourist guides at World Heritage Sites and Protected Tourist Sites. Tourist guides from outside the EEA or from outside the EEA but resident in Hungary may only work as tourist guides if they have passed the Hungarian tourist guide examination. They recommend the following sanctions in cases of unauthorised guiding:

- Grade 1: warning
- Grade 2: 2,000 €
- Grade 3: 3,000 €

The organisations also propose the introduction of a new guide badge (card) with a QR code, which could contain the guide’s relevant data (name, languages, etc.), to be worn by guides at work.

The professional organisations also include the importance of training in the bill, which would take place in 5-year cycles. The training would be free for tourist guides.

In the draft, the organisations ask for the possibility of free admission to museums to prepare for the work of tourist guides.

3.2.3. Findings from interviews with leaders of advocacy organisations

On the 24th and 28th of June 2024, semi-structured in-depth interviews were carried out with the leaders of the associations of professional tourist guides.

The interviews aimed to explore the organisations' attitudes towards the regulation of tourist guides. The interview consisted of 22 open-ended questions that were sent to the leaders of the professional organisations one week before the interviews.

The interviews were conducted with Mrs Eva Caesar, the former president and the current vice-president of the MISZ (R1) and with Mrs Judit Deák, the president of the MIE (R2).

The interviews revealed what the interviewees were missing out on because of the lack of support. They confirmed that the profession loses a lot of work because of outdated, weak and ineffective legislation. Tourist guides from abroad (typically from third countries) also perform the duties of tourist guides, but do not use the services of a local guide colleague, although this is required by the regulations. There is a serious problem, especially in large cities such as Budapest, where unlicensed foreign students offer free tours.

While the main objectives of both organisations are set out in their statutes, both interviewees emphasised that protecting the interests of the profession and protecting licensed Hungarian tour guides from unauthorised tour guides is a key priority. They stressed that this could be achieved by reducing unauthorised tourism and introducing effective controls and dissuasive penalties.

Regarding free tours, they pointed out that offering free tours can be a good option for young, inexperienced professionals, but unfortunately it has a lot of negative effects. One of these was the frequent non-payment of taxes, but R2 also pointed out that the term 'free' is not correct in other contexts either, as on the one hand they work with a recommended price and on the other hand they ensure - often unethically - that it is collected.

R1 also pointed out that the majority of Spanish-speaking guides offering free tours in Budapest are already established in Hungary, so the EU registration for cross-border services is not sufficient for them; they should be subject to Hungarian regulations (completion of the course, knowledge of Hungarian, passing the exam), but this is ignored.

Neither of them thought that guides offering free tours would be more up-to-date or professional.

Both interviewees believe that lifelong learning is the essence of the profession, without which no one can be a quality guide. Therefore, the aim would be to require guides to renew their licence at certain intervals, every 5 years according to the draft of the new regulation.

The interviewees also agreed that today's tourists no longer prefer tours that are too detailed and in-depth, but prefer interactive tours with more experience. R2 pointed out that for many guides offering free tours, this often means changing the

stories just to get more laughs out of the tour. This may make the tour funnier, but it will not be authentic or professional.

R2 emphasised that the older generation are often unable or unwilling to keep up with technological innovation, but are always keen to update their knowledge.

The following factors have been highlighted in relation to education and the need for change in the law:

- reinforcement of the practical nature of training;
- enhancement of language teaching;
- renewal of tourist guide licences every 5 years;
- obligation to attend training courses (accumulation of credits for licence renewal);
- a one-off replacement of tourist cards to collect data on active guides and the issue and introduction of a card with key data in the form of a QR code;
- designate an authority responsible for monitoring the activities of tourist guides and introduce regular checks;
- penalties for unauthorised guides.

However, the MTÜ has accepted the most recent proposal for a law in 2023, so both organisations and tourists are optimistic.

In Hungary, on the other hand, despite strong lobbying by advocacy organisations, there has been no change in the weak and ineffective regulation. However, in many countries, such as Spain, Italy, Austria and Portugal, there is also strict (and expensive) training for tourist guides. These countries have effective controls in place to detect illegal tourist guiding activities. Anyone caught guiding without a licence faces severe penalties, including expulsion from the Member State if the offence is repeated. In addition to registered work between EU countries, Italy, for example, imposes a number of additional restrictions on tourist guides entering the country (e.g. major tourist sites, local guide services, even if they have a temporary work permit for the area). However, as in Hungary, organisations in many countries with growing tourism industries, such as the Czech Republic and Portugal, are making considerable efforts to protect the interests of professionals.

4. Conclusion

After a long period of joint work, the Association of Hungarian Tourist Guides and the Federation of Hungarian Tourist Guides submitted to the Hungarian Tourist Agency a new proposal for the regulation of tourist guiding in 2023, which aims to provide a modern and transparent regulation of the activity and an efficient control background. However, it would be important to update the outdated legislation, which is not adapted to the modern and dynamic changes in the tourism sector.

The bar associations are not satisfied with the current legislation (T1) and this was clearly confirmed during the interviews and secondary data processing. The leaders of the organisations pointed out that better regulation and regular control are the basis for the renewal of the profession (T2), so the second hypothesis of the research was also confirmed.

Tourist guides and their associations are lobbying hard for new legislation. The leaders of MIE and MISZ believe that only a well-functioning training system and an effective legal background for the profession can guarantee quality work. It also

ensures a transparent economy and additional income for the towns and the country, as well as extra work for the guides, who have learned a lot to become licensed.

According to the European survey of practices, training and legislation are considered relevant for tourist guides in most countries. They consider that the profession of tourist guide should be regulated at national level, taking into account EU standards.

Both leaders agreed that a strong educational system and updated legislation were needed to renew the profession.

With the above statements, the main research question (Q1) has also been answered.

It would also greatly improve the quality of services if tourism were no longer the stepchild of one ministry or another, but if an independent Ministry of Tourism were finally established in Hungary to regulate tourism, define strategic goals and develop quality tourism. After so many years of promises, it is high time to help tourist guides to do their job within a regulated framework.

They know the ways of the place, the customs, where to shop, where to eat, which are the small, unique treasures that are little known, but still define our daily lives. A tourist guide has the professional qualifications and the historical and cultural knowledge, honed by years of experience, that will surely bring new information to the guests. At the same time, the knowledge of guides is not sufficient to fill the gaps in the legal framework and to detect unlicensed guides on the market. Legislative change would be a timely and long-term solution.

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